

IN THE UNITED STATES DISTRICT COURT
OR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS CORTEZ BURTON,

Petitioner,

No. 2:09-cv-3332 GEB KJN P

VS.

S. SWARTHOUT,

Respondent.

ORDER TO SHOW CAUSE

Petitioner is a state prisoner proceeding without counsel with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 5, 2010, respondent filed a motion to dismiss this action as barred by the one-year statute of limitations contained in 28 U.S.C. § 2244(d). Petitioner has not filed an opposition to the motion. Local Rule 230(l) provides in part: “Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion”

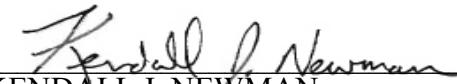
Good cause appearing, IT IS HEREBY ORDERED that petitioner show cause, within twenty-one days, why his failure to oppose respondent's May 5, 2010 motion to dismiss should not be deemed a waiver of any opposition to the granting of the motion. Petitioner is

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1 cautioned that failure to respond to the instant order, or to file an opposition to the pending
2 motion to dismiss, will result in a recommendation that this action be dismissed.

3 DATED: June 9, 2010

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7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

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